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Attorneys for Defendant and Counter-Claimant
TRENT WEST

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12
13 C&C JEWELRY MFG., INC.,
14 Plaintiff,
15 v.
16 TRENT WEST,
17 Defendant.

18 And Related Counterclaims

Case No. 09-cv-01303-JF (HRL)

**STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL WITHOUT
PREJUDICE OF COUNT IV AND 3RD
COUNTERCLAIM PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE
41(a)(1)(A)(ii)**

1 WHEREAS Plaintiff C&C Jewelry Manufacturing, Inc., ("C&C") brought suit against
2 Defendant Trent West ("West") seeking, *inter alia*, declaratory judgment of non-infringement,
3 invalidity and unenforceability of U.S. Patent No. 6,990,736 ("the '736 patent") (Count IV);

4 WHEREAS, West filed a counterclaim against C&C for infringement of the '736 Patent;

5 WHEREAS, C&C and West have agreed to dismiss all claims related to the '736 Patent;

6 WHEREAS, based on the above agreement, C&C agrees to dismiss without prejudice
7 Count IV of C&C's Complaint, and West agrees to dismiss without prejudice West's Third
8 Counterclaim of West's Answer and Counterclaims, so that the parties can narrow the issues
9 involved in this litigation to the remaining counts of its Complaint.

10 IT IS HEREBY STIPULATED by and between C&C and West, through their designated
11 counsel, that Count IV of the Complaint and the Third Counterclaim of the Answer and
12 Counterclaims are hereby DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil
13 Procedure 41(a)(1)(A)(ii). Each party shall bear its own costs and attorneys' fees as to Count IV.
14

15 Respectfully stipulated to by:

16 KING & KELLEHER, LLP

SCHEEF & STONE, LLP

18 By: /s/ Edward Vincent King, Jr.
19 Edward Vincent King, Jr.

20 Attorneys for Defendant
21 TRENT WEST

22 Date: July 7, 2011

By: /s/ John G. Fischer
John G. Fischer

Attorneys for Plaintiff
C&C JEWELRY MFG., INC.

Date: July 7, 2011

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FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Edward Vincent King, Jr., attest that concurrence in the filing of this document has been obtained.

/s/ Edward Vincent King, Jr.
Edward Vincent King, Jr.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 20, 2011

Hon. Jeremy Fogel
United States District Judge